

NOTICE OF ALLOWANCE

Status of the Claims

1. This action is in response to papers filed 9 August 2010 in which no claims were amended, claim 18 was canceled, new claim 19 was added, and the Declaration under 37 C.F.R. Rule 1.132 (hereafter the "Declaration") was filed. All of the amendments have been thoroughly reviewed and entered.

The previous rejections under 35 U.S.C. 103(a) not reiterated below are withdrawn in view of the arguments presented in the Declaration as discussed below.

Claims 1-17 and 19 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The Declaration under 37 CFR 1.132 filed 9 August 2010 is sufficient to overcome the previous rejections of the claims based upon the assertions by Dr. Peter Fromherz that:

- a) it is not possible to fix both the potential of the buffer and the gate voltage due to the presence of the oxide layer and passivating layer (paragraph 10 of the Declaration); and
- b) the electrode in the present application plays an entirely new and important role, allowing for reproducible differential detection (paragraphs 12-15 of the Declaration).

Examiner's Comment

3. As noted in the Interview Summary included with this Notice of Allowability, upon further consideration of the claims of U.S. Patent No. 7,908,088, the examiner has decided that because the step of fixing of the potential of the electrolyte solution using the electrode is a step not required by the '088 claims, no double-patenting rejections will be made.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T. Crow whose telephone number is (571)272-1113. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave T. Nguyen can be reached on (571) 272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert T. Crow
Primary Examiner
Art Unit 1634

/Robert T. Crow/
Primary Examiner, Art Unit 1634